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THIRTEENTH REPORT OF THE EXECUTIVE SECRETARY PURSUANT TO ARTICLE 41 OF THE PROVISIONAL RULES FOR CLAIMS PROCEDURE

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Introduction

1. The present report identifies, pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/1992/10) (the "Rules"), proposed corrections to approved claim awards in category "A" and "C".

I. CORRECTIONS TO CATEGORY "A" CLAIM AWARDS

2. Recommendations for corrections to category "A" claims include duplicate claims, corrections of individual claims to family claims, reinstatement of claims previously identified as duplicates and decision 21 corrections.

A. Category "A" duplicate claims

3. Since the twelfth article 41 report (S/AC.26/2000/27), a total of nine claims have been found to be duplicates of other claims also awarded compensation in category "A".

4. No compensation should have been awarded for these duplicate claims and the total recommended awards should be revised accordingly. Table 1, infra, identifies the Governments concerned, the instalments to be adjusted, the total number of claims to be corrected and the total amount by which the instalment will be reduced.

Table 1. Category "A" duplicate claims

Country	Instalment	Total number of duplicate claims	Amount of reduction (USD)
India	Fourth	1	4,000.00
	Fifth	2	8,000.00
	Sixth	1	4,000.00
Sri Lanka	First	1	4,000.00
	Sixth	4	16,000.00
Total		9	36,000.00

B. Corrections of individual claims to family claims

5. One claim submitted by the Russian Federation, originally identified as an individual claim, has been found to be a claim submitted on behalf of a family. Accordingly, as identified in table 2, infra, it is recommended

that the award for the claim, which is part of the fourth instalment, be increased from USD 4,000.00 to USD 8,000.00.

Table 2. Corrections of individual claims to family claims

Country	Instalment	Number of claims affected	Amount of net effect (USD)
Russian Federation	Fourth	1	4,000.00
Total		1	4,000.00

C. Reinstatement of claims previously identified as duplicates

6. Five claims from Bosnia and Herzegovina originally found to be duplicates should be reinstated since additional information received from the Government of Bosnia and Herzegovina shows that they were submitted by different individuals.

7. Accordingly, as identified in table 3, infra, it is recommended that the awards for those claims be adjusted to reflect the correct nature of the claims.

Table 3. Reinstatement of claims previously identified as duplicates

Country	Instalment	Total number of claims reinstated	Amount of increase (USD)
Bosnia and Herzegovina	Sixth	1	4,000.00
	Special	4	16,000.00
Total		5	20,000.00

D. Higher to lower amount corrections

8. Decision 21 (S/AC.26/Dec.21 (1994)) of the Governing Council states that "any claimant who has selected a higher amount under category 'A' (US$4,000 or US$8,000) and has also filed a category 'B', 'C' or 'D' claim will be deemed to have selected the corresponding lower amount under category 'A'" (US$2,500 or US$5,000). Twenty-five claims have been identified by the Government of Pakistan as having been filed for higher amounts in category "A" by claimants who also have claims in category "C". Accordingly, as identified in table 4, infra, it is recommended that the award amounts for the twenty-five claims be adjusted downward in accordance with decision 21.

Table 4. Higher to lower amount corrections

Country	Instalment	Total number of matched claims	Amount of reduction (USD)
Pakistan	First	9	16,500.00
	Second	16	27,000.00
Total		25	43,500.00

9. The adjusted claim awards for the first, second, fourth, fifth, sixth and special (Bosnia and Herzegovina) instalments, and the total revised recommended awards for category "A" claims, are located in tables 1 to 7 in annex I to this report.

II. CORRECTIONS TO CATEGORY "C" CLAIM AWARDS

10. Recommendations for corrections to category "C" claims include corrections to inter-category and intra-category duplicate claims and change of submitting entity.

A. Corrections to inter-category and intra-category duplicate claims

11. Corrections to category "C" claim awards that are contained in this report arise from the notification of duplicate claims to the secretariat by Governments. The duplicate claims were not identified by the secretariat's electronic matching programmes during the processing of category "C" claims because of data discrepancies in claimant names and identifier information.

12. The four claims for which previously unreported inter-category duplication was found involve awards for departure-related ("C1-Money") losses that duplicate category "A" departure claim awards to the same claimants. The C1-Money award in each claim was less than the individual category "A" award of USD 2,500. Decision 24 (S/AC.26/Dec.24 (1994)) specifies that C1-Money losses may only be compensated to the extent that C1-Money awards exceed the relevant category "A" awards. Therefore, the category "C" award total in each of the four claims has been reduced by the amount of the C1-Money award.

13. Following notification by Governments, 18 category "C" claims were reviewed and confirmed to be intra-category duplicates. Among this group of claims, those claims that should be rejected as duplicates and those that are valid have been determined in accordance with the Panel's

guidance, as set out at paragraph 58 of the seventh instalment report (S/AC.26/1999/11).

14. Further, and in accordance with the referenced paragraph 58, when differences exist in total amounts awarded between duplicate category "C" claims, the presumption should be that losses in the valid claim will be reconciled to the higher award. The total loss awards in four claims have accordingly been reconciled to the higher awards in the corresponding rejected claims.

15. It is therefore recommended that corrections be implemented to 26 claims for a net decrease of USD 102,863.22 in awarded amounts, as reflected in table 5, infra.

Table 5. Corrections to category "C" awards as a result of reported duplicate claims

Country or international organization	Instalment	Number of claims affected	Amount of net effect (USD)
India	Seventh	5	(46,227.21)
Pakistan	First	1	23,075.00
	Seventh	6	(56,522.71)
Philippines	Second	2	562.14
	Fifth	12	(23,750.44)
Total		26	(102,863.22)

B. Change of submitting entity

16. At the request of the claimant and with the agreement of both the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in Gaza and the Government of Egypt, one claim submitted by Egypt and approved in the third instalment has been transferred to UNRWA Gaza.

Table 6. Change of submitting entity for reporting and payment of claim

Country or international organization	Number of claims reported	Instalment	Previous total recommended award (USD)	Corrected number of claims	Corrected total recommended award (USD)
Egypt	16,067	Third	116,485,154.77	16,066	116,476,556.15
UNRWA Gaza	N/A	Third	N/A	1	8,598.62

17. The adjusted claim awards for the first, second, third, fifth and seventh instalments and the total revised recommended awards for category "C" claims, are identified in tables 1 to 6 of annex II.

Annex I

CORRECTED CATEGORY "A" CLAIM AWARDS

1. Based on the corrections reported in paragraphs 2 to 8 of this report, supra, the category "A" claims aggregate corrected amounts per country, by claim instalment, are as follows:

Table 1. First instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
Pakistan	12,099,500	12,083,000
Sri Lanka	25,093,000	25,089,000

Table 2. Second instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
Pakistan	19,526,500	19,499,500

Table 3. Fourth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	146,257,000	146,253,000
Russian Federation	9,000,000	9,004,000

Table 4. Fifth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	147,554,000	147,546,000

Table 5. Sixth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
Bosnia and Herzegovina	1,828,000	1,832,000
India	17,313,000	17,309,000
Sri Lanka	35,571,000	35,555,000

Table 6. Special instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
Bosnia and Herzegovina	764,000	780,000

2. Based on the above corrections, the revised category "A" claim total recommended awards by instalment are as follows:

Table 7. Revised total recommended awards for category "A" claims

Instalment	Previous total recommended award (USD) a/	Corrected total recommended award (USD)
First	189,599,500.00	189,579,000.00
Second	641,240,500.00	641,213,500.00
Third	531,496,500.00	no change
Fourth	732,605,000.00	no change
Fifth	782,636,000.00	782,628,000.00
Sixth	315,392,000.00	315,376,000.00
Special (Pakistan)	2,554,500.00	no change
Special (Bosnia and Herzegovina)	764,000.00	780,000.00

a/ The previous total recommended award amounts in this column include the initial awards approved by the Governing Council in its decisions 22, 28, 29, 31, 33, 38, 67 and 101 (S/AC.26/Dec.22 (1994), S/AC.26/Dec.28 (1995), S/AC.26/Dec.29 (1995), S/AC.26/Dec.31 (1995), S/AC.26/Dec.33 (1995), S/AC.26/Dec.38 (1996), S/AC.26/Dec.67 (1999) and S/AC.26/Dec.101 (2000)) and subsequent corrections approved by the Governing Council in its decisions 42, 44, 51, 54, 57, 71, 79, 85, 95, 99,

109 and 113 (S/AC.26/Dec.42 (1997), S/AC.26/Dec.44 (1997), S/AC.26/Dec.51 (1998), S/AC.26/Dec.54 (1998), S/AC.26/Dec.57 (1998), S/AC.26/Dec.71 (1999), S/AC.26/Dec.79 (1999), S/AC.26/Dec.85 (1999), S/AC.26/Dec.95 (2000), S/AC.26/Dec.99 (2000), S/AC.26/Dec.109 (2000) and S/AC.26/Dec.113 (2000)).

Annex II

CORRECTED CATEGORY "C" CLAIM AWARDS

1. Based on the corrections reported in paragraphs 10 to 16 of this report, supra, the category "C" claims aggregate corrected amounts per country, by claim instalment, are as follows:

Table 1. First instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Pakistan	17,768,858.00	17,791,933.00

Table 2. Second instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Philippines	1,329,974.64	1,330,536.78

Table 3. Third instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Egypt	116,485,154.77	116,476,556.19
UNRWA Gaza	N/A	8,596.62

Table 4. Fifth instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Philippines	7,890,192.76	7,866,442.32

Table 5. Seventh instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
India	187,010,525.09	186,964,297.88
Pakistan	74,572,959.48	74,516,436.77

2. Based on the above corrections, the revised category "C" claim total recommended awards by instalment are as follows:

Table 6. Revised total recommended awards for category "C" claims

Instalment	Previous total recommended award (USD) a/	Corrected total recommended award (USD)
First	51,086,478.00	51,109,553.00
Second	431,743,689.19	431,744,251.33
Third	324,883,154.77	no change
Fourth	654,598,151.73	no change
Fifth	735,475,730.98	735,451,980.54
Sixth	765,713,687.98	no change
Seventh	1,932,771,429.79	1,932,668,679.87

a/ The previous total recommended award amounts in this column include the initial awards approved by the Governing Council in its decisions 25, 36, 37, 39, 41, 52 and 70 (S/AC.26/Dec.25 (1994),(S/AC.26/Dec.36 (1996), S/AC.26/Dec.37 (1996), S/AC.26/Dec.39 (1996), S/AC.26/Dec.41 (1997), S/AC.26/Dec.52 (1998), S/AC.26/Dec.70 (1999)) and subsequent corrections approved by the Governing Council in its decisions 39, 41, 52, 85, 95, 99 and 113 (S/AC.26/Dec.39 (1996), S/AC.26/Dec.41 (1997), S/AC.26/Dec.52 (1998), S/AC.26/Dec.85 (1999), S/AC.26/Dec.95 (2000), S/AC.26/Dec.99 (2000), and S/AC.26/Dec.113 (2000)).